

Magistrate Judge Hon. Gabriel W. Gorenstein
U.S. District Court for the Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007
Via pro se electronic filing

Re: Case No.: 23-cv-09648-JGLC-GWC Goodman v the City of New York et al

May 13, 2024

Dear Judge Gorenstein,

I write in response to your order (Dkt. 108) and to seek clarification. The order proves my claim that defendants rely upon an altered version of evidence that is not the original video. The order as written is impossible to fulfill so I now seek further instruction from the Court.

On February 27, 2024, in a good faith effort to resolve this matter as quickly as possible, I sent a copy of a video I recorded on November 1, 2022 to counsel for defendants, Mary Jane Anderson as an attachment to an email message. **(EXHIBIT A)**

To the best of my memory, Anderson called me promptly after to alert me that she was unable to receive such a large file attachment on her NYC.gov email address. In response, a second message was sent with a download link to the same video file. **(EXHIBIT B)**

The video file in question is 1.7GB (approximately 1,700MB) in size, far larger than the storage capacity of a CD-ROM. On May 10, 2024, the Court issued an order (Dkt. 108) which made multiple references to a CD-ROM provided by defendants to the Court on March 26, 2024, which contained the video that was relied upon as evidence in the motion to dismiss. This video, however, cannot be the evidence I provided to Ms. Andersson because the storage capacity of a CD-ROM is only 680MB and is insufficient to contain the video provided. Any file provided on CD-ROM cannot be the file I recorded on November 1, 2022. Further clarification is needed.

Ms. Anderson has not provided me with a copy of the CD-ROM relied upon as evidence and shared with the Court on March 26, 2024. Ms. Anderson should be ordered to deliver a copy of this CD-ROM to me immediately so I may evaluate its contents.

With regard to my further obligations under the order (Dkt. 108), I cannot provide the evidence on CD-ROM as ordered. I am prepared to deliver a USB thumb drive or other suitable format that would contain the full 1.7GB, thirty-nine minute and twelve second video as well as all other relevant video evidence referenced in the complaint and in the defendants' motion to dismiss. This will include the October 31, 2022 video shot outside 249 West 17th street which proves that the Doe defendants spent two days harassing, intimidating and threatening to assault me before I engaged in a purely defensive verbal interaction with them the following day on November 1. This video evidence was NOT evaluated by the NYPD defendants on November 1, 2022 and not until sometime AFTER I provided the video evidence to Ms. Anderson in 2024.

Due to the Defendants' insistence on deceiving the Court, going so far as to provide a fabricated CD ROM containing fraudulent evidence, this matter should be settled at an evidentiary hearing at which all parties should review the totality of video evidence in question to avoid further doubt. Anderson and the defendants should be charged with perjury as a result of false statements pertaining to this alleged evidence.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Goodman', with a stylized flourish at the end.

Jason Goodman

The Court cannot accept filings on a thumb drive. In any event, the CD-ROM provided to the Court as “Exhibit A” contained a video file that was 1.657 GB. The length is 39:12. Thus, based on the statements made in this letter, the video file on the CD-ROM is plainly the same file that was provided by the plaintiff to the City. The Court’s Order of May 10, 2024, is no longer necessary.

That being said, the Court will issue a sealed order that contains a link that would allow plaintiff to upload the file to the Court’s file transfer service if plaintiff wishes to do so. If plaintiff wishes to upload the video file, he may do so on or before May 17, 2024. If he does not do so, the Court will accept that “Exhibit A” is authentic.

The City is directed to email plaintiff a copy of this Order and of the Sealed Order.

So Ordered.

A handwritten signature in black ink, appearing to read "Gabriel W. Corenstein", is written over a horizontal line.

GABRIEL W. CORENSTEIN
United States Magistrate Judge

May 15, 2024